

226 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH
(through video conferencing)

CRM-M-6070-2022
Decided on : 17.02.2022

Mohan @ Mani Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Manoj Tanwar, Advocate
 for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

Prayer in the instant petition filed under Section 439 Cr.PC is for granting regular bail to the petitioner in case FIR No.181 dated 16.05.2019 under Sections 363, 366-A IPC and Section 6 of POCSO Act registered at Police Station New Colony, Gurugram District Gurugram.

Learned counsel for the petitioner has straightway invited the attention of this Court to the statement of the victim recorded under Section 164 Cr.PC wherein she had stated that she had accompanied the petitioner, who is her friend, of her own accord without informing her family members. He submits that in Nepal, the victim and the petitioner had performed marriage and thereafter returned to India. He further submits that the petitioner has been in custody since 17.05.2019 and all the material witnesses stand examined. Hence, his further incarceration would not serve any useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite from ASI Saroj Kumari submits that the trial would not take much time to conclude as all the material witnesses

stand examined and only formal witnesses remain to be examined. He further submits that the material witnesses including the victim has supported the prosecution case in its entirety.

Heard learned counsel and perused the material available on record.

Prima facie there are serious allegations against the petitioner of having enticed away the minor, aged 13 years, on the pretext of marriage and as per the admitted case of the petitioner himself, he had solemnized marriage with victim at Nepal. This Court, thus, does not deem it appropriate to extend the concession of bail to the petitioner, more so, since the victim has supported the case of the prosecution in its entirety.

Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

At this stage, a prayer has been made by the learned counsel for the petitioner for issuance of directions to the trial court for expeditious conclusion of the trial as the petitioner has been in custody for more than 2½ years.

In the wake of the long period of incarceration of the petitioner, the trial Court is directed to endeavour to expedite the trial and conclude the same preferably within a period of four months from today.

(MANJARI NEHRU KAUL)
JUDGE

17.02.2022
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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No